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DEPARTMENT OF EDUCATION

Applications for New Awards; Expanding Opportunity Through Quality Charter Schools Program (CSP)--State Charter School Facilities Incentive Grants Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2019 for CSP--State Charter School Facilities Incentive Grants Program, Catalog of Federal Domestic Assistance (CFDA) number 84.282D. This notice relates to the approved information collection under OMB control number 1855-0012.

DATES:

Applications Available: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Date of Pre-Application Meeting: The State Charter School Facilities Incentive Grants Program intends to hold a webinar designed to provide technical assistance to interested applicants. Detailed information regarding this webinar will be provided on the State Charter School Facilities Incentive Grants Program webpage at <https://innovation.ed.gov/what-we-do/charter-schools/state->

charter-school-facilities-incentive-grants/applicant-info-and-eligibility/.

Deadline for Transmittal of Applications: [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Deadline for Intergovernmental Review: [INSERT DATE 105 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on February 13, 2019 (84 FR 3768), and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.

FOR FURTHER INFORMATION CONTACT: Clifton Jones, U.S. Department of Education, 400 Maryland Avenue, SW, room 3E211, Washington, DC 20202-5970. Telephone: (202) 205-2204. Email: Clifton.Jones@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The State Charter School Facilities Incentive Grants Program provides grants to eligible *States* to help them establish or enhance, and administer, a *per-pupil facilities aid program* for *charter schools* in the *State*, that is specified in *State law*, and provides annual financing, on a per-pupil basis, for *charter school* facilities.

Priorities: This competition includes three competitive preference priorities. We are establishing the competitive preference priorities for the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Competitive Preference Priorities: These priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 33 points to an application, depending on how well the application meets these priorities. We award up to an additional 5 points to an applicant that addresses Competitive Preference Priority 1; up to an additional 8 points to an applicant that addresses Competitive Preference Priority 2; and an additional 20 points to an applicant that meets Competitive Preference Priority 3.

These priorities are:

Competitive Preference Priority 1 - Spurring
Investment in Opportunity Zones (up to 5 points).

(a) Services targeted to Opportunity Zones (up to 5
points)

The extent to which the applicant would target services to a Qualified Opportunity Zone, as designated by the Secretary of the Treasury under section 1400Z-1 of the Internal Revenue Code, as amended by the Tax Cuts and Jobs Act (Pub. L. 115-97). An applicant must—

(1) Provide the census tract number of the Qualified Opportunity Zone(s) in which it proposes to provide services; and

(2) Describe how the applicant will provide services in the Qualified Opportunity Zone(s).

Competitive Preference Priority 2 - State Support for
Charter Schools (up to 8 points).

(a) High-Quality Charter School Authorizing (up to
two points).

The extent to which the *State* demonstrates support for high-quality *charter school* authorizing, such as through providing technical assistance to support each *authorized public chartering agency* in the *State* to improve such

agency's ability to monitor the *charter schools* authorized by the agency, including by--

(1) Assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

(2) Reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publicly reported; and

(3) Holding *charter schools* accountable to the academic, financial, and operational quality controls agreed to between the *charter school* and the *authorized public chartering agency* involved, such as through renewal, non-renewal, or revocation of the school's charter.

(b) Number of Educational Choices through Charter Schools (up to two points).

The extent to which the *State* demonstrates progress in increasing the number of educational choices for students through the opening of new *charter schools*, the *replication of high-quality charter schools*, and the *expansion of high-quality charter schools*.

(c) At Least One Authorized Public Chartering Agency Other Than a Local Educational Agency (LEA), or an Appeals Process (0 or two points).

The *State*--

(1) Allows at least one entity that is not a local educational agency (LEA) to be an *authorized public chartering* agency for *developers* seeking to open a *charter school* in the *State*; or

(2) In the case of a *State* in which LEAs are the only *authorized public chartering agencies*, the *State* has an appeals process for the denial of an application for a *charter school*.

(d) High Degree of Autonomy and Flexibility (up to two points).

The extent to which the *State* ensures that each *charter school* receiving funds through the program will have a high degree of autonomy and flexibility, including autonomy over budget, operations, and personnel decisions.

Competitive Preference Priority 3 - Novice Applicants (20 points).

Applicants that have not previously received a grant under the program.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to

comment on proposed priorities and selection criteria. Section 437(d) (1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under the substantially revised authority in section 4304(k) of the ESEA (20 U.S.C. 7221c(k)) and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the priorities and selection criterion under section 437(d) (1) of GEPA. These priorities and this selection criterion will apply to the FY 2019 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

Definitions:

The following definitions are from sections 4310(1), 4310(2), 4304(k) (1), and 8101(48) of the ESEA (20 U.S.C. 7221i(1), 7221i(2), 7221c(k) (1), 7801), and 34 CFR 77.1(c)

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used

to describe a *performance target*, whether a *performance target* is *ambitious* depends upon the context of the relevant *performance measure* and the baseline for that measure.

Authorized public chartering agency means a *State* educational agency, local educational agency, or other public entity that has the authority pursuant to *State* law and approved by the Secretary to authorize or approve a *charter school*.

Charter school means a public school that--

(a) In accordance with a specific *State* statute authorizing the granting of charters to schools, is exempt from significant *State* or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements in section 4310 of the ESEA;

(b) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(c) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the *authorized public chartering agency*;

(d) Provides a program of elementary or secondary education, or both;

(e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(f) Does not charge tuition;

(g) Complies with the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the "Family Educational Rights and Privacy Act of 1974"), and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(h) Is a school to which parents choose to send their children, and that--

(i) Admits students on the basis of a lottery, consistent with section 4303(c)(3)(A) of the ESEA (20 U.S.C. 7221b(c)(3)(A)), if more students apply for admission than can be accommodated; or

(ii) In the case of a school that has an affiliated *charter school* (such as a school that is part of the same

network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated *charter school* and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated *charter school* and the enrolling school, admits students on the basis of a lottery as described in paragraph (h) (i);

(i) Agrees to comply with the same Federal and *State* audit requirements as do other elementary schools and secondary schools in the *State*, unless such *State* audit requirements are waived by the *State*;

(j) Meets all applicable Federal, *State*, and local health and safety requirements;

(k) Operates in accordance with *State* law;

(l) Has a written performance contract with the *authorized public chartering agency* in the *State* that includes a description of how student performance will be measured in *charter schools* pursuant to *State* assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the *authorized public chartering agency* and the *charter school*; and

(m) May serve students in early childhood education programs or postsecondary students.

Demonstrates a rationale means a key project component included in the project's *logic model* is informed by research or evaluation findings that suggest the *project component* is likely to improve *relevant outcomes*.

Logic model (also referred to as a theory of action) means a framework that identifies key *project components* of the proposed project (i.e., the active "ingredients" that are hypothesized to be critical to achieving the *relevant outcomes*) and describes the theoretical and operational relationships among the key *project components* and *relevant outcomes*.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Per-pupil facilities aid program means a program in which a *State* makes payments, on a per-pupil basis, to *charter schools* to provide the schools with financing--

(a) That is dedicated solely to funding *charter school* facilities; or

(b) A portion of which is dedicated for funding *charter school* facilities.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual *project component* or to a combination of *project components* (e.g., training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Relevant outcome means the student outcome(s) or other outcome(s) the key *project component* is designed to improve, consistent with the specific goals of the program.

State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

Program Authority: 20 U.S.C. 7221c.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2

CFR part 3474. (d) The regulations for this program in 34 CFR part 226.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$10,000,000.

Estimated Range of Awards: \$1,000,000 to \$10,000,000.

Estimated Average Size of Awards: \$5,000,000.

Estimated Number of Awards: 1-3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. Eligible Applicants: *States*. In order to be eligible to receive a grant, a *State* shall establish or enhance, and administer, a per-pupil facilities aid program for *charter schools* in the *State*, that--

(a) Is specified in *State* law; and

(b) Provides annual financing, on a per-pupil basis, for *charter school* facilities.

Note: A *State* that is required under *State* law to provide *charter schools* with access to adequate facility space, but that does not have a *per-pupil facilities aid program* for *charter schools* specified in *State* law, is eligible to receive a grant if the *State* agrees to use the funds to

develop a *per-pupil facilities aid program* consistent with the requirements in this notice inviting applications.

2. a. Cost Sharing or Matching: Under section 4304(k)(2)(C) of the ESEA, a *State* must provide a *State* share of the total cost of the project. The minimum *State* share of the total cost of the project increases each year of the grant, from 10 percent the first year to 80 percent in the fifth year.

Note: A *State* may partner with one or more organizations, and such organizations may provide up to 50 percent of the *State* share of the cost of establishing or enhancing, and administering, the *per-pupil facilities aid program*.

Applicants that are provisionally selected to receive grants will not receive grant funds unless they demonstrate, by September 1, 2019, that they are, or will be able to, provide the *State* share required under this program.

b. Supplement-Not-Supplant: This program involves supplement-not-supplant funding requirements. Under section 4110 of the ESEA (20 U.S.C. 7120), program funds must be used to supplement, and not supplant, *State* and local public funds expended to provide *per-pupil facilities aid programs*, operations financing programs, or other programs, for *charter schools*. Therefore, the Federal

funds provided under this program, as well as the matching funds provided by the grantee, must be in addition to the *State* and local funds that would otherwise be used for this purpose in the absence of this Federal program. The Department generally considers that *State* and local funds would be available for this purpose at least in the amount of the funds that was available in the preceding year and that the Federal funds and matching funds under this program would supplement that amount.

3. Other: The *charter schools* that a grantee selects to benefit from this program must meet the definition of *charter school* in the CSP authorizing statute throughout the grant period. The definitions of *charter school*, *per-pupil facilities aid programs*, and *authorized public chartering agency* are in sections 4310(2), 4304(k)(1), and 4310(1) of the ESEA (20 U.S.C. 7221), and included in this notice.

IV. Application and Submission Information

1. Application Submission Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the *Federal Register* on February 13, 2019 (84 FR 3768), and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-

02206.pdf, which contain requirements and information on how to submit an application.

2. Submission of Proprietary Information: Given the types of projects that may be proposed in applications for the State Charter School Facilities Incentive Grants Program, your application may include business information that you consider proprietary. In 34 CFR 5.11, we define "business information" and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under "Other Attachments Form," please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal

Programs under Executive Order 12372 is in the application package for this competition.

4. Funding Restrictions: Under section 4304(k)(3)(B) of the ESEA, from the amount made available to a *State* through a grant under this program for a fiscal year, the *State* may reserve not more than five percent to carry out evaluations, to provide technical assistance, and to disseminate information. We reference additional regulations outlining funding restrictions in the Applicable Regulations section of this notice.

5. Recommended Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to 40 pages and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

Furthermore, applicants are strongly encouraged to include a table of contents that specifies where each required part of the application is located.

V. Application Review Information

1. Selection Criteria: We are establishing the selection criterion (d) (3) for the FY 2019 and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d) (1) of GEPA, 20 U.S.C. 1232(d) (1), and the remainder of the selection criteria for this program are from 34 CFR 226.12 and 34 CFR 75.210. The maximum score for addressing all of the selection criteria is 100 points. The maximum score for addressing each criterion is indicated in parentheses.

(a) Need for facility funding (30 points).

(1) The need for per-pupil *charter school* facility funding in the *State*.

(2) The extent to which the proposal meets the need to fund *charter school* facilities on a per-pupil basis.

(b) Quality of plan (40 points).

(1) The likelihood that the proposed grant project will result in the *State* either retaining a new per-pupil

facilities aid program or continuing to enhance such a program without the total amount of assistance (*State and Federal*) declining over a five-year period.

(2) The flexibility *charter schools* have in their use of facility funds for the various authorized purposes.

(3) The quality of the plan for identifying *charter schools* and determining their eligibility to receive funds.

(4) The per-pupil facilities aid formula's ability to target resources to *charter schools* with the greatest need and the highest proportions of students in poverty.

(5) For projects that plan to reserve funds for evaluation, the quality of the applicant's plan to use grant funds for this purpose.

(6) For projects that plan to reserve funds for technical assistance, dissemination, or personnel, the quality of the applicant's plan to use grant funds for these purposes.

(7) The extent to which the proposed project *demonstrates a rationale*.

Note: The applicant should review the Performance Measures section of this notice for information on the requirements for developing project-specific *performance measures* and targets consistent with the objectives of the program.

(c) The grant project team (10 points).

(1) The qualifications, including relevant training and experience, of the project manager and other members of the grant project team, including employees not paid with grant funds, consultants, and subcontractors.

(2) The adequacy and appropriateness of the applicant's staffing plan for the grant project.

(d) The budget (10 points).

(1) The extent to which the requested grant amount and the project costs are reasonable in relation to the objectives, design, and potential significance of the proposed grant project.

(2) The extent to which the costs are reasonable in relation to the number of students served and to the anticipated results and benefits.

(3) The extent to which the non-Federal share exceeds the minimum percentages (which are based on the percentages under section 4304(k)(2)(C) of the ESEA), particularly in the initial years of the program.

(e) Quality of the project evaluation (10 points).

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors--

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iii) The extent to which the methods of evaluation will provide valid and reliable performance data on *relevant outcomes*.

2. Review and Selection Process: We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal

financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Note: As described in 34 CFR 226.14(c), the Secretary may elect to consider the points awarded under the competitive preference priorities only for proposals that exhibit sufficient quality to warrant funding under the selection criteria.

3. Risk Assessment and Specific Conditions:

Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance

under Federal awards--that is, the risk posed by you as an applicant--before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements:

We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works.

Additionally, a grantee or subgrantee that is awarded

competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

4. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. Performance Measures:

(a) Program Performance Measures. The *performance measure* for this program is the ratio of funds leveraged by *States* for *charter school* facilities to funds awarded by the Department under the program. Grantees must provide information that is responsive to this measure as part of their annual performance reports.

(b) Project-Specific Performance Measures. Applicants must propose project-specific *performance measures* and *performance targets* consistent with the objectives of the project and program. Applicants must provide the following information as directed under 34 CFR 75.110(b) :

(1) Project Performance Measures. How each proposed project-specific *performance measure* would accurately measure the performance of the project and how the proposed project-specific *performance measure* would be consistent with the *performance measures* established for the program funding the competition.

(2) Project Performance Targets. Why each proposed *performance target* is *ambitious* yet achievable compared to the baseline for the *performance measure* and when, during the project period, the applicant would meet the *performance target(s)*.

Note: The Secretary encourages applicants to consider measures and targets tied to their grant activities during the grant period. For instance, if an applicant is using eligibility for free and reduced-price lunch to measure the number of low-income families served by the project, the applicant could provide a percentage for students qualifying for free and reduced-price lunch. If an applicant is targeting services to a Qualified Opportunity Zone, the applicant could provide the census tract number of the Qualified Opportunity Zone(s) in which it proposes to provide services. The measures should be sufficient to gauge the progress throughout the grant period, and show results by the end of the grant period.

(3) Data Collection and Reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) The applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If applicants do not have experience with collection and reporting of performance data through other projects or research, they should provide other evidence of their

capacity to successfully carry out data collection and reporting for their proposed project.

6. Continuation Awards: In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the *performance targets* in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program

contact person listed under FOR FURTHER INFORMATION
CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the *Federal Register*. You may access the official edition of the *Federal Register* and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the *Federal Register*, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the *Federal Register* by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Frank T. Brogan,
*Assistant Secretary for
Elementary and Secondary
Education.*

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